

**To:** David Powers/R10/USEPA/US@EPA;Jayne Carlin/R10/USEPA/US@EPA;Don Waye/DC/USEPA/US@EPA[]; ayne Carlin/R10/USEPA/US@EPA;Don Waye/DC/USEPA/US@EPA[]; on Waye/DC/USEPA/US@EPA[]  
**Cc:** Jennifer Wu/R10/USEPA/US@EPA[]  
**From:** Allison Castellan <allison.castellan@noaa.gov>  
**Sent:** Tue 10/2/2012 6:47:33 PM  
**Subject:** Drafting Dec Settlement Letter to ODEQ RE: TDMLs  
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All--

As you know, per the settlement agreement, we owe ODEQ (with cc to Plaintiff) a letter providing an initial assessment of the adequacy of OR's implementation-ready TMDL approach for meeting CZARA requirements by Dec. 31, 2012. According to the settlement agreement, the written statement must assess whether:

1. implementation of the IR-TMDL for the Mid-Coast Basin, including safe harbor BMPs, is likely to result in actions to achieve and maintain water quality standards, and
2. the IR-TDML plan to developing/updating TMDLs for all subbasins within the 6217 mgnt area could satisfy the outstanding additional MMs for forestry condition.

We are to based our assessment on:

1. OR's July 2, 2010 AG's opinion
2. ODEQ's July 26, 2010 commitment letter
3. The state's schedule for implementing IR-TMDL's throughout the 6217 mgnt area (NOAA/EPA requests on Mar. 31, 2011; state provided July 2011)
4. Completed Mid-Coast Basin TMDL (requested by June 30, 2012; still under development)
5. Other documents

The settlement agreement also notes that EPA and NOAA shall consider any comments Plaintiff may have submitted with respect to ODEQ's proposed TMDLs and BMPs.

Since this will need to go through legal review and joint clearance at EPA and NOAA, we should start drafting that letter soon.

It would be good for us to touch base to discuss a framework for this letter so we can get started. Please let me know your availability for a call Thurs Oct. 4th-Fri Oct. 12th. (Remember Mon. Oct. 8th is a holiday) so I can set something up.

Thanks!

Allison

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